

REMARKS

Initially, Applicant notes that the amendments made by this paper are consistent with the proposals presented in the telephone call to the Examiner that was initiated by Applicant's attorney on March 23, 2007. Descriptions and remarks made by this paper are also generally consistent with the comments presented during the last in person interview.

It will be noted that the last Office Action, which was mailed on January 18, 2007 failed to consider or at least address/reject all of the claims that were pending. The Office Action indicated that all of the pending claims 1-13 and 16-32 were considered. However, independent claims 31 and 32 were never specifically addressed. The limitations of dependent claim 25 were also not addressed. Instead, claim 25 was summarily rejected within the rejection of claim 24, and while only the limitations of claim 24 were addressed (e.g., authentication limitations). Notably, the text-to-voice limitations of claim 25 were never addressed. In view of these apparent oversights, Applicant respectfully requests that the limitations of these claims be fully considered and addressed in the next Action if, for any reasons, these claims are not allowed.

Now with regard to the rejections that were made to the claims, it will be noted that claims 1-3, 5-13, 16-23 and 26-30 were rejected under 35 U.S.C. 102(e) as being anticipated by a newly cited reference, namely, Parsons et al. (US 2002/0085701) hereinafter Parsons, while claim 4 was rejected under 35 U.S.C. 103(a) as being unpatentable over Parsons and what appears to be Official Notice.¹ Claims 24-25 were rejected under 35 U.S.C. 103(a) as being unpatentable over Parsons in view of Menard et al. (US 2002/0177428) hereinafter Menard and claim 30 was rejected under 35 U.S.C. 103(a) as being unpatentable over Parsons in view of Murray (US 2002/0123329) hereinafter Murray.²

¹ With regard to claim 4, Applicant respectfully requests that the Examiner clarify whether the rejection is indeed based on Official Notice. If Official Notice is the basis for the rejection, Applicant respectfully traverses and asserts that it would not be obvious to modify Parsons to include the limitations of claim 4, but for an improper hindsight reconstruction based on Applicant's Specification. Applicant also requests that the Examiner provide the requisite motivation for modifying Parsons in the manner purported, as a motivation for modifying the art is a prerequisite for making a finding of obviousness.

² Although the prior art status of the cited art is not being challenged at this time, Applicant reserves the right to challenge the prior art status of the cited art at any appropriate time, should it arise. Accordingly, any arguments and amendments made herein should not be construed as acquiescing to any prior art status of the cited art.

By this paper, claims 1, 8, 16 and 31 have been amended and claims 5-6 have been cancelled, such that claims 1-4, 7-13 and 16-32 remain pending, of which claims 1, 16 and 32 are the only independent claims at issue.

As reflected above, in the claim listing, the pending claims are directed to embodiments for notifying a user of an event and in a context sensitive manner. The method recited in claim 1, for example, includes a system detecting an event which requires a notification (which initially includes textual information) be dispatched to the user at a particular designated device. Then, upon identifying the event and the particular designated device to dispatch the notification to, the system accesses a current context of the user corresponding to a user status at the particular designated device to determine what type of notification to send and whether the notification should be a voice notification or a text notification based on the user context. An appropriate one of the notification methods is then used to provide the notification to the user and based on the current context of the user with the particular designated device. If the appropriate notification method is an audible voice notification method, the text information associated with the notification is converted into an audible voice notification.

Claim 16 is directed to a corresponding computer program product for implementing the method recited in claim 1.

The only other independent claim, 32 recites a combination of claim elements requiring authentication of the user prior to sending notifications to the user and such that the notification will only be sent after first authenticating the user.

Claim 31 was previously recited as an independent claim, with limitations directed to different user contexts based on a detected user status of a user's communications device (e.g., hands free or out of range). This claim has now been amended to depend on claim 1 and to focus on the embodiments in which the status corresponds to an out of range status.

All of the claim rejections were based on newly cited art, with Parsons being the primary reference. It will be noted, however, that Parsons fails to teach or suggest the claim limitations that are currently presented in the pending claims. In particular, Parsons fails to teach or suggest any embodiment that would include determining whether to send an audible or text notification to a user based on the user's context.

Parsons does generally disclose embodiments for selecting and controlling where a notification is to be sent and which of a plurality of devices to send a notification to based on a user's context or location. Parsons also discloses embodiments for allowing a sender to attempt to "attempt to send a text message or leave a voice mail for the user" if the initial call routed to the user at a first device goes unanswered.

However, Parsons fails to address many of the issues previously identified with regard to the other art of record, namely, Lohtia, and which has now been withdrawn. In particular, Parsons is primarily concerned with providing a means for routing calls to a user at any number of communications devices. If the user is unavailable at one device (based on an identified context/location) then the call is routed to another device. (Abstract/summary "When a call to a user is received by the PBX, the presence system forwards the call to the user in accordance with the user's current presence context.")

While Parsons provides many interfaces for enabling a customer to select devices that are available to receive messages/calls and the types of messages that can be received (e.g., text messages or voice messages), Parsons clearly fails to disclose or suggest any embodiment wherein it is first determined what user device to send a notification to and then, only after determining what device to send a notification to, it is determined whether the notification should be sent as a text or voice notification (based on a context of the user) and wherein if it is determined that the notification should be sent as a voice notification then the text of the notification is converted from text to voice, as recited in the claims with the other recited claim elements.

In fact, there is no disclosure in Parsons that would ever suggest that a notification is converted from text to voice or that there is any determination of whether the notification should be sent as a text or voice notification based on a user's context. Instead, Parsons only describes text messaging and voice messaging as possible different messaging types that can be used. Furthermore, there is no reference or suggestion that any determination is made between voice and text messaging based on a context of a user. Instead, Parsons merely provides an interface for notifying a sender that, if a call is not answered (for example—See Figure 4I (which was referenced by the Examiner)), the sender will have an option of attempting to send another message to the user at one or more different devices. In particular, as stated in paragraph [0076], "calls should first be routed to the user's desk phone. ...if the desk phone is not answered after a

predetermined number of rings, the incoming caller will be allowed to attempt to send a text message or leave a voice mail for the user."

Parsons provides several interfaces for enabling a sender to select where to send a message and what kind of message to send to a user/callee if the callee fails to answer an initial call. Parsons does not, however, provide any system for determining whether a text or voice notification should be sent to a user based on an event and that includes text information based on a detected context of the user. In Parsons, it is left to the sender to decide what messages and message types are sent after the first message fails to get through. Furthermore, even if Parsons did provide an embodiment for a computing system to determine whether a notification having textual elements should be sent as text or voice, based on a user context, (which it doesn't), Parsons clearly fails to teach or suggest that upon determining a notification should be sent as a voice notification that the notification is converted from the text format into an audible notification with text-to-speech, for example, as claimed in combination with the other recited claim elements of claim 1.

The other cited references, Menard and Murray, also fail to compensate for the inadequacies of Parsons. Menard was cited for the assertion that voice print authentication exists and Murray was cited for the proposition that hands free modes are known. None of these references were asserted against the independent claims. Accordingly, the independent claims and all of the corresponding dependent claims should now be found allowable for at least the reasons asserted above with regard to the distinctions of the pending claims over Parsons.

While Menard was not used in rejecting any of the independent claims directly, Menard was cited for voice print authentication in rejecting claim 24 and which includes similar limitations to those found in independent claim 32. (As mentioned above, however, claim 32 was never specifically addressed or rejected). It will also be appreciated, however, that Menard's authentication, even if it were used to modify Parsons, would still fail to render claim 32 obvious. In particular, Claim 32 requires the authentication of the user (receiving the notification) as a prerequisite prior to delivering the notification to the user. Even more particularly, claim 32 requires "an act of causing the notification to be dispatched to the designated device of the user, only after first authenticating the user, and by using the identified notification method." There does not appear to be any disclosure, suggestion or motivation for modifying Parsons in view of Official Notice or any of the cited art (including Menard) to

restrict the sending notifications related to events to a user, only after first authenticating the user, and with a method that is based on the user context. Furthermore, it will be noted that the voice authentication in Menard appears to be related to something entirely different than what is claimed. In particular, Menard's authentication appears to be directed to the receipt of authentication of authority from a first responsible party for an instruction and wherein that authentication is a voice print. (See the Abstract and claim 20 cited in the last rejection). This has nothing to do with authenticating the user receiving notifications that are addressed to the user, as claimed.

In view of the foregoing, Applicant respectfully submits that the other rejections to the claims are now moot, including the rejections to the dependent claims, and do not, therefore, need to be addressed individually at this time. It will be appreciated, however, that this should not be construed as Applicant acquiescing to any of the purported teachings or assertions made in the last action regarding the cited art or the pending application, including any official notice.³

In the event that the Examiner finds remaining impediment to a prompt allowance of this application that may be clarified through a telephone interview, the Examiner is requested to contact the undersigned attorney at 801-533-9800.

Dated this 18th day of April, 2007.

Respectfully submitted,



RICK D. NYDEGGER
Registration No. 28,651
JENS C. JENKINS
Registration No. 44,803
Attorneys for Applicant
Customer No. 47973

RDN:JCJ:crb
AHY0000003302V001

³ Instead, Applicant reserves the right to challenge any of the purported teachings or assertions made in the last action at any appropriate time in the future, should the need arise. Furthermore, to the extent that the Examiner has relied on any Official Notice, explicitly or implicitly, Applicant specifically requests that the Examiner provide references supporting the teachings officially noticed, as well as the required motivation or suggestion to combine the relied upon notice with the other art of record.